

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 1 is currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-6 and 8-34 are now pending in this application, of which claims 33 and 34 are withdrawn from consideration.

### 35 U.S.C. § 112, Second Paragraph Rejection

Claims 1-6 and 8-32 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Patent Office stated on page 2 of the Office Action that claims 1-6 and 8-32 “purport to claim both a product and method of using a product in a single claim.” Applicants respectfully traverse this rejection. Claims 1-6 and 8-32 are directed to only a product, i.e., a flexible riser system or a loading system, and not to a method of using a product. If the Examiner maintains this rejection, applicants respectfully request the examiner to specifically point out any method steps recited in claims 1-6 and 8-32.

### 35 U.S.C. § 101 Rejection

Claims 1-6 and 8-32 are rejected under 35 U.S.C. § 101. Specifically, the Patent Office stated on page 3 of the Office Action that claims 1-6 and 8-32 “improperly embrace both product or machine and process.” Applicants respectfully traverse this rejection. As discussed above, claims 1-6 and 8-32 are directed to only a product, and not to a method of using a product. If the Examiner maintains this rejection, applicants respectfully request the examiner to specifically point out any process steps recited in claims 1-6 and 8-32.

### Double Patenting Rejection

Claims 17-22 and 24-32 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 7,114,885 (hereinafter “the ‘885 patent”). Applicants respectfully request that this rejection be held in abeyance until the claims are otherwise allowable, at which time applicants will file a terminal disclaimer, if appropriate.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 1, 2, 4, 6, 8, 9, 11-14, 16-18, 20, 22-25, 27-30 and 32 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,169,265 (“Butler”). Claims 3 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler in view of U.S. Patent No. 4,031,919 (hereinafter “Ortloff”). Claims 5 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler in view of U.S. Patent No. 4,782,781 (hereinafter “Poldervaart”). Claims 10, 15, 26 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler in view of U.S. Patent No. 2,419,053 (“Bennett”). Applicants respectfully traverse these rejection for at least the following reasons.

*Claim 1*

Independent claim 1, as amended, recites: “the protecting means being formed of a plurality of separate units suspended from each other, the separate units arranged to be movable in transverse direction with respect to the riser,” and “wherein the riser in the vicinity of the stretching or tensioning means is provided with a collar designed to reduce detrimental impact of the stretching or tensioning means on the riser caused by relative movement of the stretching or tensioning means with respect to the riser.” Butler fails to disclose either of these features of claim 1.

Butler is directed to a fire protection system for marine risers. Butler discloses a riser section 14, and a riser tensioner system 10 which encircles a top joint 14 (col. 3, lines 41-43). The tensioner system 10 includes a tensioner ring 36 secured to the top joint (col. 3, lines 50-55). The top joint 14 is provided with a plurality of threads 54, which are protected from heat and flame by a plurality of protective jackets 60.

Butler, however, does not disclose as recited in claim 1 “the protecting means being formed of a plurality of separate units suspended from each other, the separate units arranged to be movable in transverse direction with respect to the riser.” Rather in Butler, the protective jackets, which the Patent Office equates with the separate units as recited, are not disclosed as being arranged to be movable in the transverse direction with respect to the riser section 14.

Moreover, Butler also does not disclose “wherein the riser in the vicinity of the stretching or tensioning means is provided with a collar designed to reduce detrimental impact of the stretching or tensioning means on the riser caused by relative movement of the stretching or tensioning means with respect to the riser.” The Patent Office equates the tensioner ring 36 of Butler with the collar as claimed, and the states in paragraph 13 of the Office Action that the “collar” 36 is “designed to reduce detrimental impact on the riser.” The tensioner ring 36, however, is arranged as a part of the tensioner device itself and thus does not protect the riser section 14 from impact of the tensioner device caused by relative movement of the tensioner device and riser section 14.

### ***Claim 17***

Independent claim 17 recites “protection means connected to the vessel for protecting the riser from impact, the protection means being submerged below the vessel and covering at least an upper part of the riser, and terminating above the sea bed, the protection means being formed of a plurality of separate units suspended from each other and a stretching means or a tensioning means arranged at a lower end of the protection means, the protection means being configured to retract to a protected position below the sea surface together with the riser when the riser is in the non-operative position.” Butler does not disclose at least this arrangement of the protection means in claim 17 which is submerged below the vessel.

Butler relates to a fire protection system for an adjustable top joint of a marine riser tensioner systems. Such systems are designed for being placed on the platform deck well above the sea level, and the purpose is to protect the upper part against fire and heat, (See col. 1, lines 13-16). The fire protection system of Butler is not submerged below the vessel.

Moreover, one skilled in the art would not have modified the Butler system to arrange it below the vessel during operation.

With respect to the arrangement of the fire protection system of Butler below sea level, the Patent Office states on page 7: "The protection means (60) is submerged (to be covered by a fluid. e.g. air/gas) below the vessel." Nowhere, however, does Butler disclose that its jackets 60 are arranged below the vessel. According to the Butler disclosure, the number of jackets is limited, i.e. 5 or 6 and according to col. 5, lines 9-23, the lengths of the protective jackets 60 are pre-selected and their number depends upon the position of the tensioner ring 36 and its covering on the threads 54 at the top joints 14. Thus, Butler does not disclose that its jackets are arranged below the vessel. To the contrary, the fire protection system of Butler is not intended to be submerged, nor exposed to sea water. In this context it should be appreciated that it is of great importance in the offshore industry to avoid that mechanical mechanisms are exposed to salt water, due to corrosion.

The applied references of Ortloff, Poldervaart and Bennett were cited for disclosing other features of the dependent claims, but fail to cure the deficiencies of Butler.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith,

Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By W. Ellis R. Bilodeau Reg. No. 59,896

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5485  
Facsimile: (202) 672-5399

*for* / William T. Ellis  
Attorney for Applicant  
Registration No. 26,874

Thomas G. Bilodeau  
Attorney for Applicant  
Registration No. 43,438